

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

FILED
SCRANTON
JUL 31 2014

ANTONIO HUDSON,

PER

[Signature]
DEPUTY CLERK

Plaintiff, : Civil No. 3:12-CV-743

v.

UNITED STATES OF AMERICA, : (Judge Kosik)

Defendant. :

ORDER

AND NOW, THIS 31st DAY OF JULY, 2014, IT APPEARING TO THE COURT THAT:

(1) Plaintiff, Antonio Hudson, an inmate who was housed at the United States Penitentiary-Canaan, Pennsylvania, brought an action against the United States pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971) and the Federal Tort Claims Act;

(2) The basis of the action was the alleged negligence of the prison in serving chicken fajitas that contained salmonella bacteria;

(3) The action, along with others, was assigned to Magistrate Judge Martin C. Carlson for oversight;

(4) Following mandatory mediation, this case was reported settled and was dismissed (Doc. 115);

(5) Plaintiff filed a Motion to Reinstate the Lawsuit (Doc. 130) and the United States responded (Doc. 162);

(6) On June 19, 2014, the Magistrate Judge filed a Report and Recommendation (Doc. 193), recommending that the Motion be denied;

(7) Specifically, the Magistrate Judge found that since the filing of Plaintiff's Motion, Plaintiff received payment by the United States pursuant to the terms of the settlement agreement;

(8) No Objections were filed to the Report and Recommendation;

AND, IT FURTHER APPEARING THAT:

(9) If no objections are filed to a Magistrate Judge's Report and Recommendation, the plaintiff is not statutorily entitled to a de novo review of his claims. 28 U.S.C.A. §636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a magistrate judge's report prior to adopting it. Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987);

(10) We have considered the Magistrate Judge's Report and we concur with his recommendation;

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

(1) The Report and Recommendation of Magistrate Judge Martin C. Carlson filed June 19, 2014 (Doc. 193) is **ADOPTED**; and
(2) The Plaintiff's Motion to Reinstate the Lawsuit (Doc. 130) is **DENIED**.



Edwin M. Kosik
United States District Judge